

**Resolution Agreement**  
Barstow Unified School District  
OCR Case Number 09-18-1055

To resolve the issues identified by the U.S. Department of Education, Office for Civil Rights (OCR), in the above referenced complaint filed by the Complainant on behalf of her child (Student) pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), and Title II of the Americans with Disabilities Act (Title II), the Barstow Unified School District (District), without admitting to any violation of law, agrees to take the actions outlined in this Resolution Agreement (Agreement).

- I. **Individualized Education Program (IEP) Team Meeting.** Within 30 days of the date that the Agreement is signed, after providing proper written notice to the Student's parent/guardian and completing appropriate evaluations, the District will convene an Individualized Education Program (IEP) team meeting, which is to be attended by a group of individuals knowledgeable about the Student, and about evaluation data concerning the Student. The purpose of the meeting, and subsequent meetings if necessary, is to ensure that the Student's IEP plan provides placement and services that are adequate to meet all of the Student's individual disability-related needs, including, but not limited to, the development of a Behavior Intervention Plan (BIP) that adequately addresses behavioral issues within the classroom, to ensure that he is not unduly removed from class.
  
- II. **Individualized Support Plan.** Within 30 days of the date that the Agreement is signed, the District will meet to develop an individualized Support Plan to ensure that the Student's disability-based needs and accommodations, particularly those related to his BIP, are understood and met. This meeting can be held in conjunction with the IEP Meeting described above. The Support Plan meeting will include, at a minimum, the Student, the Student's parent, a medical professional or counselor, the Student's classroom teacher, and relevant School personnel who are knowledgeable about the Student. The Support Plan will include, at a minimum:
  - a. A designated point of contact for the Complainant to reach out to regarding concerns with the provision of the Support Plan, IEP, or BIP. The point of contact will respond to the Complainant's concerns regarding the Student with a weekly check-in email, with any larger issues to be resolved during the quarterly check-ins described below.
  - b. A system to ensure that the BIP is followed consistently prior to any action taken to remove the Student from the classroom environment.
  - c. A requirement for documentation of the provision of each element of the BIP prior to the removal of the Student from the classroom environment.

- d. A schedule for reconvening the Support Team on, at minimum, a quarterly basis to assess and evaluate the progress of the BIP.
- e. A requirement that prior to the Student's matriculation at any new school in the District, or upon the request of the Student or the Student's parents, the team meet to review and revise the Support Plan as necessary to ensure its continuing effectiveness for the duration of the Student's enrollment in the District.

**III. Written Guidance and Training.** Within 90 days of the date that the Agreement is signed, the District will issue written guidance and facilitate training for school site staff on its policies and procedures for providing a free, appropriate public education under Section 504 and the Title II. The training will be provided to all staff members working with students with special needs, with a focus on the implementation of BIPs.

**IV. Reporting Requirements.**

- a. Within 14 calendar days of meetings described in Sections I and II, the District will provide to OCR documentation from the meetings, including a copy of the IEP and Support Plan, and any meeting notes that were generated.
- b. Within 30 calendar days of the date the Agreement the signed, the District will provide a draft of the guidance documents described in Section III to OCR for review and approval. The District will issue the guidance within 10 days of OCR's approval. Within 30 days of issuing the guidance documents and conducting the training, the District will provide documentation, e.g. a sign-in sheet or other evidence, showing training attendance by name and title of attendees, along with a copy of the materials distributed at the training and the name and title of the trainer(s).

**V. Monitoring**

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further the District understands that during the monitoring of this Agreement, OCR may visit the District, interview staff and students and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms of this Agreement and is in compliance with Section 504 and Title II, which were at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this case.

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

02/26/2018  
Date

/s/  
Authorized Official  
Barstow Unified School District